

EXHIBIT A

CASE 11-C-996

RALEIGH

PAGE 0001

GARY RICHMOND

vs. GE MONEY BANK

LINE	DATE	ACTION
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1	11/10/11	CASE FILED-ISSUED SUMMONS AND COMPLAINT RETURNED TO ATTY RUNNER
2		FOR SERVICE. MBS (CC)
3	01/04/12	RETURN OF SERVICE FROM SEC OF STATES ACCEPTED FOR SERVICE OF
4		PROCESS PC (CC)
5	01/19/12	CERT. OF SERVICE OF PLTF'S FIRST SET OF INTERROGATORIES, REQUEST
6		FOR PRODUCTION OF DOCUMENTS SND REQUESTS FOR ADMISSION TO DEFT.
7		ON BEHALF OF GE MONEY BANK BG (JED)

STATE OF WEST VIRGINIA

COUNTY OF RALEIGH SS:

I, PAUL H. FLANAGAN, Clerk of the Circuit Court of Raleigh County do hereby certify that the foregoing is a true and correct copy from the records of my office as the same exists therein.

IN TESTIMONY WHEREOF, I hereunto place my hand and affix the official seal of this Court, at Beckley this the 23rd day of January 2012.

Paul H. Flanagan
Clerk

SUMMONS

CIRCUIT COURT OF RALEIGH COUNTY, WEST VIRGINIA

GARY RICHMOND
and ANNA RICHMOND

Plaintiffs,

vs.

CIVIL ACTION NO. 11-C-

996-13

GE MONEY BANK,
a Federal Savings Bank,

Defendant.

To the above-named Defendant: GE MONEY BANK
c/o Kurt R. Grossheim
170 West Election Road, Suite 125
Draper, UT 84020

ACCEPTED FOR
SERVICE OF PROCESS
2011 DEC 27 PM 4:03
SECRETARY OF STATE
STATE OF WEST VIRGINIA

IN THE NAME OF THE STATE OF WEST VIRGINIA, you are hereby summoned and required to serve upon **Paul W. Roop, II, Attorney-at-Law**, plaintiff's attorney, whose address is **P.O. Box 1145, Beckley, West Virginia 25802**, an answer, including any related counterclaim you may have, to the complaint if filed against you in the above styled civil action, a true copy of which is herewith delivered to you. You are required to serve your answer within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint and you will be thereafter barred from asserting in another action any claim you may have which must be asserted by counterclaim in the above-styled civil action.

Dated: 11-10-11

Paul H. Flanagan
Clerk of Court

IN THE CIRCUIT COURT OF RALEIGH COUNTY, WEST VIRGINIA AND FILED

2011 NOV 10 AM 11:29

GARY RICHMOND
and ANNA RICHMOND,

Plaintiffs,

vs.

GE MONEY BANK,
a Federal Savings Bank,

Defendant,

CIRCUIT CLERK
CIVIL ACTION NO. 11-C-996-B

COMPLAINT

1. The Plaintiffs, Gary Richmond and Anna Richmond, are residents of Raleigh County, West Virginia.
2. The Plaintiffs, Gary Richmond and Anna Richmond, are people who fall under the protection of the *Telephone Consumer Protection Act*, 47 U.S.C. §227 [hereinafter "TCPA"].
3. The Defendant, GE Money Bank [hereinafter, "GEMB"] is a Federal Savings Bank with its principal place of business at 170 West Election Road, Suite 125, Draper, Utah, 84020. The said Defendant is a debt collector as defined by the *West Virginia Consumer Credit and Protection Act* and does business in Raleigh County, West Virginia by extending auto loans to persons residing in said County and State. The said Defendant further transacts debt collection activity in said County and State. The said Defendant may be served by the West Virginia Secretary of State through its President and CEO, Kurt R. Grossheim, 170 West Election Road, Suite 125, Draper, UT 84020.
4. The calls described below which were placed by the Defendant were placed utilizing an "automatic telephone dialing system" or "artificial or prerecorded voice" as those terms are used in 47 U.S.C. §227.
5. The Defendant maintains records of each call placed to the Plaintiffs regarding her account by date, time called, duration of call, the identity of Defendant's employee or representative and notes or codes placed upon such record by the Defendant's employee or representative.
6. The Defendant called Plaintiffs repeatedly using an automatic telephone dialing system or an artificial or prerecorded voice beginning, at least, on June 21, 2010 at which time the Plaintiff expressly revoked any permission which Defendant might have had to place any calls to the Plaintiff's cellular telephone.
7. From June 21, 2011 through July 21, 2011, the Defendant knowingly placed not less than one hundred sixty four (16) calls to the Plaintiffs' cellular telephone utilizing an automatic telephone dialing system or artificial or prerecorded voice without the express consent of the Plaintiffs.

8. In addition to the not less than one hundred sixty five (165) calls placed by Defendant using an automatic telephone dialing system or artificial or prerecorded voice, as described in the preceding paragraph, the Defendant placed other calls to the Plaintiffs after the latter date set forth in the preceding paragraph through the date of filing the herein complaint by use of an automatic telephone dialing system or artificial or prerecorded voice.
9. At no time did the Plaintiffs expressly authorize the Defendant to make calls to the Plaintiffs using an automatic telephone dialing system or artificial or prerecorded voice.
10. Based upon information and belief, the Defendant was aware that the initiation of calls to a cellular phone such as that of the Plaintiffs are likely to cause the recipient to incur charges.
11. Based upon information and belief, the Defendant placed calls to the Plaintiffs with the intent to annoy, harass and threaten the Plaintiffs.
12. As a result of the foregoing actions, the Plaintiffs have been annoyed, aggravated, harangued, and otherwise damaged.

COUNT ONE

{Strict Liability for Violation of TCPA}

13. The Plaintiffs incorporate the preceding paragraphs as if set forth fully herein.
14. The Defendant has violated the *TCPA* by placing calls to the Plaintiffs on Plaintiffs' cellular telephone using an automatic telephone dialing system or artificial or prerecorded voice without the express permission of the Plaintiffs.
15. Alternatively, Defendant has violated the *TCPA* by placing calls to the Plaintiffs on Plaintiffs' cellular telephone using an automatic telephone dialing system or artificial or prerecorded voice after the Plaintiffs revoked any permission of the Defendant to place such calls.
16. The foregoing violations of the *TCPA* were committed willfully or knowingly by the Defendant or its agents.

COUNT TWO

{Violation of West Virginia Consumer Credit and Protection Act}

17. The Plaintiffs incorporate the preceding paragraphs as if set forth fully herein.
18. The Defendants have engaged in repeated violations of Article 2 of the *West Virginia Consumer Credit and Protection Act* [hereinafter, "WVCCPA"], including but not limited to:
 - a. Engaging in unreasonable or oppressive or abusive conduct towards the Plaintiffs in connection with the attempt to collect a debt by placing telephone calls to the Plaintiffs in violation of *West Virginia Code* §46A-2-125;
 - b. Causing the Plaintiffs' phone to ring or engaging persons, including the Plaintiffs, in telephone conversations repeatedly or continuously or at unusual times or at times known to be inconvenient, with the intent to annoy, abuse or oppress the Plaintiffs in violation of *West Virginia Code* §46A-2-125(d);

- c. Using generally unfair or unconscionable means to collect a debt from Plaintiffs in violation of *West Virginia Code* §46A-2-128 by placing calls to the Plaintiffs on Plaintiff's cellular or residential telephone using an automatic telephone dialing system or artificial or prerecorded voice without the express permission of the Plaintiffs or after such permission was revoked in violation of the *TCPA*; and
- d. Violating W.Va. Code §46A-2-125 by using a computer, with the intent to harass or abuse the Plaintiffs, to make contact with the Plaintiffs after being requested by the Plaintiffs to desist in violation of W.Va. Code §61-3C-14a.

COUNT THREE

{Violation of West Virginia Code §61-3C-14a}

- 19. The Plaintiffs incorporate Paragraphs 1 through 18 as stated above.
- 20. The Defendant, in violation of *West Virginia Code* §61-3C-14a, made repeated telephone calls to or contacts with Plaintiffs by using a computer, with the intent to harass or abuse the Plaintiffs, after being requested by the Plaintiffs to desist.
- 21. Pursuant to *West Virginia Code* §55-7-9, any person injured by the violation of a statute may recover from the offender such damages as may be sustained by reason of the violation.
- 22. The violation of the aforesaid statute caused injury to the Plaintiffs, including annoyances, inconvenience, aggravation and emotional distress.
- 23. The Defendant's violation of the aforesaid statute was intentional and malicious.

WHEREFORE, subject to the attached Stipulation wherein Plaintiff and Plaintiff's counsel stipulate that Plaintiffs shall neither seek nor accept an amount greater than \$74,999.00 in this case, including any award of attorney fees but excluding interest and costs the Plaintiff demands judgment against the Defendant for actual damages, statutory damages on Counts I and II pursuant to both the *TCPA* and the *WVCCPA*, as permitted, and actual damages, and punitive damages on Count III, as well as reasonable attorney's fees, costs and for such other and further relief as this Court may deem appropriate.

PLAINTIFFS DEMANDS A TRIAL BY JURY ON ALL ISSUES SO TRIABLE.


Paul W. Roop, II
ROOP LAW OFFICE, LC
P.O. Box 1145
Beckley, WV 25801
WV State Bar # 5406
(304) 255-7667

**GARY RICHMOND
and ANNA RICHMOND**
By Counsel

IN THE CIRCUIT COURT OF RALEIGH COUNTY, WEST VIRGINIA

GARY RICHMOND
and ANNA RICHMOND

Plaintiffs,

vs.

CIVIL ACTION NO. 11-C-

GE MONEY BANK,
a Federal Savings Bank,

Defendant.

STIPULATION OF PLAINTIFFS AND ATTORNEY FOR PLAINTIFFS

Plaintiffs and attorney for Plaintiffs agree to be bound by the following stipulation: The Plaintiffs shall neither seek nor accept an amount greater than \$74,999.00 in this case, including any award of attorney fees but excluding interest and costs.


GARY RICHMOND


ANNA RICHMOND

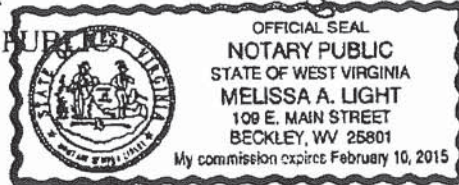

PAUL W. ROOP, II (WSB No. 5406)
ROOP LAW OFFICE, L.C.

STATE OF WEST VIRGINIA
COUNTY OF RALEIGH, TO-WIT:

The foregoing instrument was acknowledged before the undersigned authority by Carter & Sharon Stump on this the 19th day of August, 2011.

My Commission Expires: 2/10/15

NOTARY PUBLIC



Office of the Secretary of State
 Building 1 Suite 157-K
 1900 Kanawha Blvd E
 Charleston, WV 25305

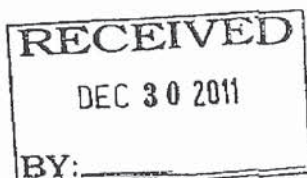


9171 9237 9000 1000 5743 91



Natalie E. Tennant

Secretary of State
 Telephone: 304-558-6000
 Toll Free: 866-SOS-VOTE
 www.wvsos.com



ControlNumber: 326818
 Defendant: GE Money Bank

County: 41

12/27/2011

Civil Action: 11-C-996-B

GE Money Bank
 c/o Kurt R. Grossheim
 170 West Election Rd., Ste. 125
 Draper UT 84020

I am enclosing:

<input type="checkbox"/> summons	<input type="checkbox"/> affidavit	<input checked="" type="checkbox"/> 1 summons and complaint
<input type="checkbox"/> notice	<input type="checkbox"/> answer	<input type="checkbox"/> summons and verified complaint
<input type="checkbox"/> order	<input type="checkbox"/> cross-claim	<input type="checkbox"/> summons and amended complaint
<input type="checkbox"/> petition	<input type="checkbox"/> counterclaim	<input type="checkbox"/> 3rd party summons and complaint
<input type="checkbox"/> motion	<input type="checkbox"/> request	<input type="checkbox"/> notice of materialmans lien
<input type="checkbox"/> suggestions	<input type="checkbox"/> notice to redeem	<input type="checkbox"/> notice of mechanic's lien
<input checked="" type="checkbox"/> 1 interrogatories	<input checked="" type="checkbox"/> 1 request for production	<input type="checkbox"/> re-issue summons and complaint
<input type="checkbox"/> discovery	<input checked="" type="checkbox"/> 1 request for admissions	<input type="checkbox"/> subpoena duces tecum
<input type="checkbox"/> suggestee execution	<input type="checkbox"/> notice of uim claim	<input type="checkbox"/> Other
<input type="checkbox"/> subpoena	<input type="checkbox"/> writ	
<input checked="" type="checkbox"/> 1 stipulation	<input type="checkbox"/> writ of mandamus	

which was served on the Secretary at the State Capitol as your statutory attorney-in-fact. According to law, I have accepted service of process in your name and on your behalf.

Please note that this office has no connection whatsoever with the enclosed documents other than to accept service of process in your name and on behalf as your attorney-in-fact. Please address any questions about this document directly to the court or the plaintiff's attorney, shown in the enclosed paper, not to the Secretary of State's office.

Sincerely,

Natalie E. Tennant
 Secretary of State

West Virginia Secretary of State — Online Data Services

Business & Licensing

Online Data Services Help

Service Of Process Search Item Detail

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Service Information	
Civil Action	11-C-996-B
Defendant	GE Money Bank
Agent	c/o Kurt R. Grossheim
City/State/Zip	Draper , UT 84020
Country	US - United States of America
County	Raleigh
Service Date	12/27/2011
Delivery Information	
Certified Number	9171923790001000574391
Delivered Date	12/30/2011 11:56:00 AM
Delivered	YES
Status Details	DELIVERED (Complete list of USPS status descriptions)
USPS Notice	<i>USPS requires a signature whenever certified mail is returned to sender. When mail from the Secretary of State is returned, it is processed and signed by the state's central mailing office. If your mail was intended for a private entity (that is, anyone other than a state officer or agency) and the signature below is that of Kathy Thomas, Deanna Karlen, State of West Virginia, or Central Mailing Office, then your mail was NOT DELIVERED and will be returned to the clerk of the appropriate court.</i>

Click the image below to view full size, for printing or saving to your computer.

**Signature
Image**

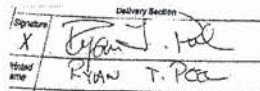


Date Produced: 01/02/2012

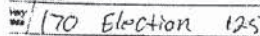
WV SECRETARY OF STATE

The following is the delivery information for Certified Mail™ item number 7192 3790 0010 0057 4391. Our records indicate that this item was delivered on 12/30/2011 at 11:56 a.m. in DRAPER, UT, 84020. The scanned image of the recipient information is provided below.

Signature of Recipient:



Address of Recipient:



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Sincerely,

United States Postal Service

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Wednesday, January 25, 2012 — 9:29 AM

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